

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RAYMOND BRADLEY,)	
)	
Plaintiff)	
)	
vs.)	Civil Action No. 02-423
)	
ANDREW BALTA, M.D., PHILIP JOHNSON,)	
WILLIAM STICKMAN, JOAN DELIE, JAMES)	Judge Terrence F. McVerry/
BERRY, TIMOTHY COLLINS, THOMAS)	Magistrate Judge Amy Reynolds Hay
BANDY, KAREN DANNER, R.N., LEE)	
JOHNSON, GRANT LATIMORE, M.D.,)	
DIANE MANSON, RUSSELL RAY, EDWARD)	
SWIERCZEWSKI, M.D. RICHARD WHITE,)	
and STEPHANIE WOOD,)	
)	
Defendants)	

ORDER

AND NOW, this 23rd day of March 2006, after the plaintiff, Raymond Bradley, filed an action in the above-captioned case, and after a Motion for Summary Judgment was submitted by defendants, Edward Swierczewski, M.D., and Stephanie Wood (the "Moving Defendants"), and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by plaintiff and the response thereto filed by the Moving Defendants, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Moving Defendants' Motion for Summary Judgment [Docket No. 147] is GRANTED as to the sole federal claim, *i.e.*, the Eighth

Amendment deliberate indifference claim at Count I, upon plaintiff's failure to exhaust his administrative remedies.

FURTHER, given this Court's finding that plaintiff failed to exhaust his administrative remedies, IT IS HEREBY ORDERED that summary judgment is GRANTED sua sponte to the Estate of Dr. Balta also with respect to the same, sole remaining federal claim at Count I.

Having disposed of all federal claims in this case, pursuant to Section 1367(c)(3) of Title 28, United States Code, the Court declines to exercise supplemental jurisdiction over the remaining pendent state law claims and hereby REMANDS those claims to the Court of Common Pleas of Allegheny County, from whence this case was originally removed.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

BY THE COURT:

s/ Terrence F. Mcverry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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